

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF) IDACOMM, INC. FOR A CERTIFICATE OF) PUBLIC CONVENIENCE AND NECESSITY) TO PROVIDE LOCAL EXCHANGE) <u>TELECOMMUNICATIONS SERVICES.</u>)	CASE NO. IZ2-T-04-1 ORDER NO. 29494
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On March 12, 2004, IDACOMM, Inc. filed an Application for a Certificate of Public Convenience and Necessity ("CPCN") to provide resold and facilities-based local exchange services and emerging telecommunications services throughout the State of Idaho. IDACOMM is a wholly owned subsidiary of IDACORP, Inc. and operates as a separate entity from its parent corporation. IDACOMM is organized under the laws of Idaho and has filed a copy of its Certificate of Authority issued by the Idaho Secretary of State. IDACOMM currently provides advanced data communications and Internet service in Idaho and also operates high-speed fiber optic rings in Ada and Canyon Counties.

The Commission issued a Notice of Application and Notice of Modified Procedure in this case on March 22, 2004. Order No. 29450. The Commission Staff and Idaho Telephone Association ("ITA") filed written comments in response to this Notice. Based on the comments, the law, and the record, the Commission grants the Company's Application.

STAFF RECOMMENDATION

Staff reviewed the information provided by IDACOMM in its Application and believes it satisfies the requirements of Commission Rule of Procedure 111, IDAPA 31.01.01.111 and Procedural Order No. 26665 issued November 7, 1996.

The Application also included financial information about IDACOMM that indicated it was in a satisfactory financial position. Staff is satisfied that the Company has the technical, managerial and financial strength to provide the services identified in this Application.

IDACOMM specifically indicated in its Application it will comply with all Commission Rules and has provided an illustrative tariff with its Application that demonstrates an understanding of the tariff requirements and processes.

In conclusion, Staff recommended that a Certificate of Public Convenience and Necessity to provide competitive local exchange service in Idaho be provided to IDACOMM, Inc.

ITA'S COMMENTS

ITA stated that any grant of a CPCN to IDACOMM should be subject to the exemption of ITA members from the obligations of incumbent local exchange carriers under Section 251(c) of the 1996 Act, until such time as the requirements for lifting such exemption contained in Section 251(f) of the 1996 Act have been met.

COMMISSION FINDINGS


Based on the comments, the law, and the record, the Commission grants the Application. The Commission further finds that this grant of a CPCN to IDACOMM is subject to the exemption of ITA members from the obligations of incumbent local exchange carriers under Section 251(c) of the 1996 Act, until such time as the requirements for lifting such exemption contained in Section 251(f) of the 1996 Act have been met.

ORDER

IT IS HEREBY ORDERED that IDACOMM's Application for a Certificate of Public Convenience and Necessity is granted. Furthermore, this grant of a CPCN to IDACOMM is subject to the exemption of Idaho Telephone Association members from the obligations of incumbent local exchange carriers under Section 251(c) of the 1996 Act, until such time as the requirements for lifting such exemption contained in Section 251(f) of the 1996 Act have been met.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. IZ2-T-04-1 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or interlocutory Orders previously issued in this case. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 11th
day of May 2004.



PAUL KJELLANDER, PRESIDENT

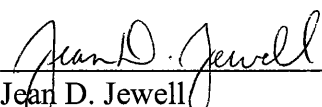


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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